



House Committee on Judiciary

Testimony

April 30, 2015

Ken Bowen, Ionia County Health Department/Michigan Association for Local Public Health

Good afternoon, my name is Ken Bowen. I am the health officer of the Ionia County Health Department, and an executive committee member of MALPH that represents the 45 local health departments in Michigan. I would like to thank Chairman Kesto and committee members for this opportunity to provide testimony regarding HB 4209; a new act that provides for state and local regulation of marihuana provisioning centers.

MALPH and the Michigan Association of Environmental Health Administrators (MALEHA), have completed an analysis of House Bill 4209, and **strongly oppose** this proposed legislation. Our concerns stem primarily from Section 10 of the bill. They are as follows:

- 1) The bill does not make edible marijuana dispensaries subject to the Michigan Food Law or the Michigan Modified Food Code. Rather, it relies on a set of haphazard rules to ensure food safety. It is our position that the only way to ensure food safety in a food establishment is to make said establishment subject to all of the requirements of the Food Law and Food Code (as is currently done for all other food establishments in the State of Michigan). This would include but not be limited to:
 - a) Annual licensure by the Michigan Department of Agriculture and Rural Development (MDARD), with all of the rights and responsibilities associated with licensure.
 - b) Submission of plans and approval of plans by the applicable local public health jurisdiction before beginning construction of a new facility.
 - c) A "pre-opening" inspection by the applicable local public health jurisdiction before the facility can begin selling food to the public.
 - d) On-site inspections by the applicable local public health jurisdiction at least twice per year.
- 2) As written, the bill delegates responsibility of inspections, to be conducted once per year using inadequate food safety rules, to local public health departments. Facilities such as those implicitly proposed in the bill (bakeries, etc.) are currently required to be inspected twice per year by MDARD. The bill therefore both creates a double standard and takes the inspection authority away from the entity with the most expertise.
- 3) As it currently stands, there is to be no State appropriation to local health departments for services required to be performed by HB 4209. MALPH and MALEHA strongly oppose this action and believes this to be an unfunded mandate and a violation of the Headlee Amendment to the State Constitution. The following section of the Headlee Amendment is applicable:

Article 9 Constitution of the State of Michigan:

Sec. 29 The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18."

Again, I would like to thank the Chairman and committee members for this opportunity to speak on behalf of the 45 local public health departments. I would welcome the opportunity to meet with stakeholders and devise language that would be suitable to all parties involved.